United Nations A/C.3/70/L.61

General Assembly

Distr.: Limited
3 November 2015

Original: English

Seventieth session
Third Committee
Agenda item 70 (b)
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

South Africa:* draft resolution

A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference,[1] and in this regard underlining the imperative need for their full and effective implementation,

Stressing that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance has the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields, and that the Durban Declaration and Programme of Action remains a solid basis and the only instructive outcome of the World Conference, which prescribes comprehensive measures for combating all the scourges of racism and adequate remedies for victims,

Recalling the three Decades for Action to Combat Racism and Racial Discrimination previously declared by the General Assembly, and regretting that the Programmes of Action for those Decades were not fully implemented and that their objectives are yet to be attained,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

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Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Underlining the intensity, magnitude and organized nature of slavery and the slave trade, including the transatlantic slave trade, and the associated historical injustices, as well as the untold suffering caused by colonialism and apartheid, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples continue to be victims of the cascading effects of those legacies,

Acknowledging the efforts and initiatives undertaken by States to prohibit racial discrimination and racial segregation and to engender the full enjoyment of economic, social and cultural rights, as well as civil and political rights,

Emphasizing that, despite efforts in this regard, millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, some of which manifest in violent forms,

Welcoming the efforts made by civil society in support of the follow-up mechanisms in the implementation of the Durban Declaration and Programme of Action,

Recalling the appointment of the five independent eminent experts on 16 June 2003 by the Secretary-General, pursuant to General Assembly resolution 56/266 of 27 March 2002, with the mandate to follow up on the implementation of the provisions of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon, and in this regard underlining the role played and still to be played by those independent eminent experts in mobilizing global political will for concrete action for the total elimination of all the scourges of racism, racial discrimination, xenophobia and related intolerance,

Underlining the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action,

Recalling its resolution 2142 (XXI) of 26 October 1966, in which it proclaimed 21 March as the International Day for the Elimination of Racial Discrimination,

Recalling also its resolution 62/122 of 17 December 2007, in which it designated 25 March as an annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade,

Recalling further the suffering of the victims of racism, racial discrimination, xenophobia and related intolerance, and the need to honour their memory,

Noting that 2016 will mark the fifteenth anniversary of the Durban Declaration and Programme of Action, and looking forward to its commemoration,

Recognizing and affirming that the global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and contemporary forms and manifestations is a matter of priority for the international community,

I
International Convention on the Elimination of All Forms of Racial Discrimination

1. *Reaffirms* the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[2] adopted by the General Assembly in its resolution 2106 A (XX) of 21 December 1965, in addressing the scourges of racism and racial discrimination;

2. *Calls upon* States that have not done so to consider acceding to the Convention, and States parties to make the declaration under article 14 of the Convention, as a matter of urgency;

3. *Underlines*, in the above context, that the provisions of the Convention do not respond effectively to contemporary manifestations of racial discrimination, in particular in relation to xenophobia and related intolerance, which is recognized as the rationale behind the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;

4. *Takes note* of the acknowledgement by the Human Rights Council and its subsidiary structures of the existence of both procedural and substantive gaps in the aforementioned Convention, which must be filled as a matter of urgency, necessity and priority;

5. *Invites* the Human Rights Council, in conjunction with its Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, in the execution of its mandate, to continue to elaborate complementary standards in order to fill existing gaps in the Convention, in the form of new normative standards aimed at combating all forms of contemporary and resurgent racism, and in this regard, areas such as xenophobia, Islamophobia, anti-Semitism and incitement to national or ethnic and religious hatred that have been identified as constituting substantive gaps;

II
International Decade for People of African Descent

6. *Welcomes* the proclamation of the International Decade for People of African Descent, as contained in its resolution 68/237 of 23 December 2013, and the celebratory launch of the Decade on 10 December 2014;

7. *Also welcomes* the adoption of the programme of activities for the implementation of the International Decade for People of African Descent;[3]

8. *Requests* the Human Rights Council, through the Chair of the Working Group of Experts on People of African Descent, to submit a report on the work of the Working Group to the General Assembly, and in this regard invites the Chair of

[2] United Nations, *Treaty Series*, vol. 660, No. 9464.
[3] Resolution 69/16, annex.

the Working Group to engage in an interactive dialogue with the Assembly under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance" at its seventy-first session;

III
Office of the United Nations High Commissioner for Human Rights

9. *Welcomes* the positive response by the United Nations High Commissioner for Human Rights to the requests made by the Human Rights Council, in its resolution 6/22 of 28 September 2007,[4] and by the General Assembly, in its resolution 68/151 of 18 December 2013, to realign the work and the name of the erstwhile Anti-Discrimination Unit in the Office of the United Nations High Commissioner for Human Rights, and also welcomes its renaming as the Anti-Racial Discrimination Section and the realignment of its operational activities to focus exclusively on racism, racial discrimination, xenophobia and related intolerance, as defined in paragraphs 1 and 2 of the Durban Declaration;[1]

10. *Also welcomes* the inclusion of the historic and landmark World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 among the 20 major achievements of the Office of the High Commissioner since the adoption of the Vienna Declaration and Programme of Action in 1993;[5]

11. *Requests* the Secretary-General and the Office of the High Commissioner to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,[1] the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

IV
Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action

12. *Reiterates* its requests to the Secretary-General, pursuant to its resolution 68/151, to revitalize and reactivate the operational activities of the group of independent eminent experts;

13. *Reiterates* its invitation to the Human Rights Council, pursuant to paragraph 16 of General Assembly resolution 68/151, to ensure the visibility, effective participation and optimal utilization of the vast knowledge and experience of the group of independent eminent experts within its subsidiary structures, charged with the mandate of and responsibility for the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and in this regard requests the Council to submit a progress report to the Assembly at its seventy-first session;

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[4] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[5] A/CONF.157/24 (Part I), chap. III.

V

Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination

14. *Recalls* the establishment by the Secretary-General, in 1973, of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination as a funding mechanism that has been utilized for the implementation of the activities of the three Decades for Action to Combat Racism and Racial Discrimination declared by the General Assembly, and in this regard appreciates the fact that the Trust Fund has also been utilized for the subsequent programmes and operational activities transcending the three Decades;

15. *Requests* the Secretary-General to include, in his report on the implementation of the present resolution to the General Assembly at its seventy-first session, a section outlining the progress in the implementation of paragraph 18 of its resolution 68/151, regarding the revitalization of the Trust Fund for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and enhancing the effectiveness of the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

16. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals as well as other donors in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to that end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

VI

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

17. *Takes note* of the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[6] and encourages the Special Rapporteur, within his mandate, to continue to focus on the issues of racism, racial discrimination, xenophobia and related intolerance and incitement to hatred, which impede peaceful coexistence and harmony within societies, and to submit reports in this regard to the Human Rights Council and the General Assembly;

18. *Reiterates* the invitation to the Special Rapporteur to consider examining national models of mechanisms that measure racial equality and their added value in the eradication of racial discrimination and to report on such challenges, successes and best practices in his next report;

VII

Follow-up and implementation activities

19. *Reiterates* its request to the Human Rights Council to develop and adopt a multi-year programme of activities to provide for the renewed and strengthened

[6] A/70/321.

outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution that it has made in the struggle against racism, racial discrimination, xenophobia and related intolerance;

20. *Calls upon* the Human Rights Council to commence preparations for the commemoration of the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action, including through the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;

21. *Requests* the Secretary-General to submit to the General Assembly at its seventy-first session a report on the implementation of the present resolution;

22. *Requests* the President of the General Assembly and the President of the Human Rights Council to continue convening annual commemorative meetings of the Assembly and the Council during the commemoration of the International Day for the Elimination of Racial Discrimination, with the appropriate focus and themes, and to hold a debate on the state of racial discrimination worldwide, with the participation of the Secretary-General and the United Nations High Commissioner for Human Rights, and in this context encourages the participation of eminent personalities active in the field of racial discrimination, Member States and civil society organizations in accordance with the rules of procedure of the Assembly and the Council, respectively;

23. *Decides* to remain seized of this priority matter at its seventy-first session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".